

SECTION III—REMARKS

This amendment is submitted in response to the Office Action mailed 30 October 2007. Claim 31 is amended and claim 32 is canceled. Claims 31 and 33-35 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

Specification Objections

The Examiner objected to the specification because it allegedly does not include a cross-reference indicating that the current application is a divisional of U.S. patent application serial number 09/957,792, filed on September 20, 2001, which is now U.S. Patent No. 6,981,543.

Applicants have, in this amendment, inserted the cross-reference requested by the Examiner. Applicants respectfully submit that this overcomes the Examiner's objection.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 31-32 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,944,092 to Van Oost ("*Van Oost*"). Applicants respectfully traverse the Examiner's rejections. A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP § 2131; *Verdegaal Bros. v. Union Oil of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). For at least the reasons explained below, *Van Oost* cannot anticipate these claims because it does not disclose every element and limitation recited therein.

Claim 31, as amended, recites an evaporator combination including:

a base configured to be thermally coupled to a semiconductor heat source, the base including a cavity defined by a bottom and a peripheral portion around the perimeter of the bottom;

a top cover secured to the peripheral portion of the base so as to define a sealed volume in which a working fluid is vaporized;

a liquid inlet port to receive the working fluid in a liquid state, operatively coupled to the sealed volume;

a vapor outlet port from which the working fluid exits the evaporator in a vapor state, operatively coupled to the sealed volume;

a plurality of structural elements extending between the bottom and the top cover to prevent the sealed volume from collapsing when the evaporator is operated such that evaporation of the working fluid occurs under sub-atmospheric conditions; and

a wicking structure, disposed within a portion of the cavity, having a top surface on which a meniscus of the working fluid is formed and a bottom surface into which the working fluid is drawn through a capillary mechanism and a pressure differential between a pressure of the working fluid in the meniscus and a pressure of vaporized working fluid in the sealed volume.

(italics added). The Examiner alleges that *Van Oost* discloses, at col. 6 lines 20-60, an apparatus that includes a plurality of structural elements extending between the base and the top cover so as to prevent the sealed volume from collapsing, but this passage from *Van Oost* discloses no such limitation. The cited passage discusses only the capillary pressure differences that drive fluid from reservoir 1 into the evaporator 2, but does not disclose what relationship these capillary pressures have to atmospheric pressure and does not disclose, teach or suggest that any portion of the described apparatus should operate under sub-atmospheric condition. Because there is no disclosure of operation at sub-atmospheric pressures, *Van Oost* also does not disclose, teach or suggest an

evaporator combination including “a plurality of structural elements extending between the bottom and the top cover to prevent the sealed volume from collapsing when the evaporator is operated such that evaporation of the working fluid occurs under sub-atmospheric conditions.” These limitations are similarly not found elsewhere in *Van Oost*, meaning that *Van Oost* cannot anticipate the claim. Applicants respectfully submit that claim 31 is therefore in condition for allowance.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 33-35 under 35 U.S.C § 103(a) as obvious in view of, and therefore unpatentable over, *Van Oost* in view of U.S. Patent No. 5,761,037 to Anderson *et al* (“*Anderson*”). Applicants respectfully traverse the Examiner's rejections. If an independent claim is non-obvious, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 31 is in condition for allowance. Applicants submit that claims 33-35 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via

telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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Date: Jan. 30, 2008

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